

**PLEASE TAKE NOTICE** that upon the annexed declaration of Leslie Faust, executed on December 20, 2010, and the exhibits attached thereto, the annexed

declaration of Wendi E. Sloane, executed on December 20, 2010, and the exhibits attached thereto, the accompanying Memorandum of Law, and all other pleadings and proceedings had and to be had herein, Plaintiff GO SMiLE, Inc. will move this Court before the Honorable P. Kevin Castel, United States District Court Judge, at the Courthouse, 500 Pearl Street, New York, New York 10007-1312, Courtroom 12C, at a date and time to be set by the Court, for an order:

- a) pursuant to 15 U.S.C. § 1114 and Rule 65 of the Federal Rules of Civil Procedure, granting Plaintiff GO SMiLE's motion for a preliminary injunction, enjoining defendants, and defendants' principals, agents, employees, affiliates, agents, assigns or any other person or entity under defendants' control from marketing or distributing any oral hygiene or teeth whitening products that infringe upon GO SMiLE's statutory or common law trademarks, pending the disposition of this action; and
- b) granting such other, further and different relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Scheduling Order, dated December 16, 2010, opposition papers shall be served and filed on or before January 4, 2011 and reply papers, if any, shall be served and filed on or before January 7, 2011.

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Dated: New York, New York  
December 20, 2010

BARACK FERRAZZANO KIRSCHBAUM  
& NAGELBERG LLP

By: /s/ Annaliese F. Fleming  
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